

Message Text

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ACTION ACDA-10

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 AF-08 ARA-06 CIAE-00

DODE-00 PM-04 H-02 INR-07 L-03 NASA-01 NEA-10 NSAE-00

NSC-05 OIC-02 SP-02 PA-01 PRS-01 OES-06 SS-15 USIA-06

SAJ-01 /123 W

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R 221905Z JUL 76

FM USMISSION GENEVA

TO SECSTATE WASHDC 1373

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY OTTAWA

AMEMBASSY THE HAGUE

AMEMBASSY STOCKHOLM

AMEMBASSY ROME

AMEMBASSY TOKYO

USMISSION USUN NEW YORK

USMISSION NATO

USDEL SALT TWO GENEVA

ERDA HQ WASHDC

ERDA GERMANTOWN

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E.O. 11652: N/A

TAGS: PARM, CCD

SUBJECT: CCD - ENMOD WORKING GROUP MEETING, JULY 21, 1976

REF: GENEVA 5480

1. SUMMARY: THREE DELS PRIVATELY ASKED US REP WHY
DEFINITIONS OF "WIDESPREAD, LONG-LASTING AND SEVERE"
DO NOT INCLUDE QUALIFIERS FOR SIZE OF COUNTRY, ETC.
INDIAN REP PROPOSED COMPROMISE ARTICLE IV WHICH SEEMED
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TO ATTRACT CONSENSUS SUPPORT AND WHICH WAS ACCEPTED

BY THE CO-SPONSORS AD REFERENDUM. SOVIET REP SET FORTH SOVIET VIEWS ON ARTICLE V, AND JAPANESE AND NETHERLANDS REPS EXPLAINED AND DEFENDEE THEIR RESPECTIVE PROPOSALS. END SUMMARY.

2. APART FROM GENERAL PROCEEDINGS OF ENMOD WORKING GROUP, DELS OF YUGOSLAVIA, ROMANIA, AND INDIA PRIVATELY ASKED AMB MARTIN WHY US DEFINITIONS OF "WIDESPREAD, LONG-LASTING AND SEVERE", EXTRACTED FROM US STATEMENT OF APRIL 20, DO NOT INCLUDE QUALIFIERS FOR SIZE OF COUNTRY, DENSITY OF POPULATION, AND SO FORTH. OUR APRIL 20 STATEMENT DID INCLUDE MENTION OF NEED TO QUALIFY UNDERSTANDING OF "SEVERE", AS DID SOVIET DEFINITIONS GIVEN ON JULY 14. MISHARA (INDIA) PRESSED FOR QUALIFIERS TO TERM "WIDESPREAD" AND ALSO, BUT US REP, AS IN PREVIOUS EXPLANATIONS, MAINTAINED THAT THIS WOULD BE INAPPROPRIATE AND THAT QUALIFICATION OF TERM "SEVERE" IS SUFFICIENT. (ACTION REQUESTED: REVISED DEFINITION OF TERM "SEVERE" IN SENSE DISCUSSED.)

3. AT BEGINNING OF JULY 21 ENMOD WORKING GROUP DISCUSSIONS, MISHARA (INDIAN REP) PROPOSED FOLLOWING REVISION TO ARTICLE IV: "EACH STATE PARTY TO THIS CONVENTION UNDERTAKES TO TAKE ANY MEASURES IT CONSIDERS NECESSARY IN ACCORDANCE WITH ITS CONSTITUTIONAL PROCESSES TO PROHIBIT AND PREVENT ANY ACTIVITY IN VIOLATION OF THE PROVISIONS OF THE CONVENTION ANYWHERE UNDER ITS JURISDICTION OR CONTROL." UK, NETHERLANDS, AND ITALIAN DELS COMMENTED FAVORABLY, AND BOTH CO-SPONSORS (US AND USSR) ACCEPTED THE PROPOSAL AD REFERENDUM. (ACTION REQUESTED: AUTHORITY TO ACCEPT INDIAN PROPOSAL FOR ARTICLE IV ON A DEFINITE BASIS.)

4. LIKHACHEV (USSR REP) PRESENTED CURRENT SOVIET VIEWS ON ARTICLE V, COMMENTING ON NETHERLANDS-SWEDEN AND JAPANESE PROPOSALS. HE CRITICIZED THE CONSULTATIVE COMMISSION ENVISIONED IN THE NETHERLANDS-SWEDEN PROPOSAL AS SEEMING TO BE A POLITICAL BODY RATHER THAN A CONSULTATIVE ONE, AND SAID THAT THE PREROGATIVE OF TAKING DECISIONS SHOULD BELONG TO THE SECURITY COUNCIL; THE ADVISORY BODY, IN CONTRAST, SHOULD BE LIMITED TO A FACT-LIMITED OFFICIAL USE

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FINDING ROLE. RATHER THAN THE SELECTIVE MEMBERSHIP CALLED FOR IN THE NETHERLANDS-SWEDEN PROPOSAL, LIKHACHEV SAID THAT THE ADVISORY BODY SHOULD BE OPEN TO PARTICIPATION BY ALL STATES PARTY; ON ALL OTHER POINTS, HE SAID, THE JAPANESE PROPOSAL TAKES THE SOVIET POSITION INTO ACCOUNT. HE CALLED THE FAILURE OF THE NETHERLANDS-SWEDEN PROPOSAL TO INCLUDE PARAGRAPH V,3 OF THE ORIGINAL DRAFT AN UNJUSTIFIED DELETION, BECAUSE CONSULTATIONS AND FACT-

FINDING CANNOT BE SUBSTITUTED FOR THOSE INVESTIGATIONS WHICH MAY BE NECESSARY IN THE SECURITY COUNCIL, TO DRAW POLITICAL CONCLUSIONS. LIKHATCHEV CONCLUDED BY SAYING THAT USSR DEL INTENDS TO CARRY OUT CONSULTATIONS WITH VARIOUS DELS IN ORDER TO DEVELOP A NEW FORMULATION OF PARAGRAPH V, 1.

5. JAPANESE PROPOSAL TO INSERT NEW PARAGRAPH 2 IN ARTICLE V (TABLED ON JULY 12; TEXT CONTAINED PARA 4 REFTEL) RECEIVED CONSIDERABLE DISCUSSION AND WAS PRAISED BY ITALY AND CZECHOSLOVAKIA. OGISO (JAPANESE REP) STATED THAT A COMMITTEE OF EXPERTS APPOINTED BY THE UNYSG WOULD RETAIN A TECHNICAL RATHER THAN A POLITICAL CHARACTER, WHICH HE SAID WOULD BE INEVITABLE IN A CONSULTATIVE COMMISSION CONSISTING OF MEMBER STATES. STATES PARTY COULD EACH NAME SEVERAL EXPERTS, INDICATING THEIR TECHNICAL SPECIALTIES; WHEN THE UNSYG RECEIVED A REQUEST FOR AN INQUIRY FROM A STATE PARTY, HE WOULD CHOOSE AMONG THE EXPERTS ON THE ROSTER AND THEREBY CONSTITUTE AN AD HOC COMMITTEE OF EXPERTS KEYED TO THE PARTICULAR CIRCUMSTANCES. OGISO INDICATED THAT THE INTENT OF THE JAPANESE PROPOSAL IS THAT MEMBERSHIP ON THE COMMITTEE OF EXPERTS WOULD BE OPEN BUT THAT IT WOULD BE INAPPROPRIATE FOR THE UNSYG TO NAME EXPERTS NOT QUALIFIED IN THE PARTICULAR DISCIPLINE USEFUL TO A GIVEN CASE. HE ADDED THAT THE JAPANESE DEL WOULD CONSIDER ANY CHANGE TO ITS PROPOSAL TO MAKE IT CLEARER THAT THE COMMITTEE OF EXPERTS WOULD NOT HAVE A CLOSED OR RESTRICTED MEMBERSHIP.

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6. VAN DER KLAUW (NETHERLANDS REP) RESPONDED TO CRITICISMS WHICH HAD PREVIOUSLY BEEN RAISED IN REGARD TO THE NETHERLANDS-SWEDEN PROPOSAL. THE NATURE OF THE DECISIONS TAKEN BY THE CONSULTATIVE COMMISSION, HE SAID, WOULD ONLY BE THOSE RELATED TO FACT-FINDING, AND HE WOULD EXPECT THE COMMISSION TO TRY TO WORK BY CONSENSUS;

PROCEDURAL DECISIONS, HOWEVER, MIGHT HAVE TO BE TAKEN BY MAJORITY VOTE. HE SAID THE COMMISSION WOULD NOT HAVE THE RIGHT TO INITIATE INQUIRIES ON ITS OWN, BUT ONLY IN LIMITED OFFICIAL USE

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RESPONSE TO REQUESTS FROM STATES PARTIES; THE COMPLAINING STATE WOULD BE PRESENT DURING DISCUSSIONS OF ITS COMPLAINT, BUT EVEN IF IT WERE A MEMBER OF THE CONSULTATIVE COMMISSION WOULD NOT BE ENTITLED TO VOTE. IN REGARD TO AMENDMENTS THE CONSULTATIVE COMMISSION MIGHT STUDY PROPOSALS RAISED AND MAKE RECOMMENDATIONS,, BUT WOULD NOT TAKE DECISIONS; ITS ROLE IN RELATION TO REVIEW CONFERENCES WOULD HAVE PRACTICAL ADVANTAGES, AVOIDING THE NEED FOR A SEPARATE PREPARATORY COMMITTEE.

7. MARTIN (US REP) STATED THAT WE CONSIDER THE PROVISIONS OF THE ORIGINAL DRAFT ADEQUATE AND WOULD BE WILLING TO SIGN IT AS ORIGINALLY WRITTEN. HOWEVER, HE SAID, THE US CAN BE RELATIVELY FLEXIBLE ON SUGGESTIONS TO IMPROVE THE PRESENT DRAFT, AND HOPES THAT THE CONSULTATIONS SUGGESTED BY THE SOVIETS WILL INDICATE THE WAY TO SOLVE THE PROBLEM.

8. CANADA, ITALY, THE UK, AND NIGERIA ALL TOOK BASICALLY

FAVORABLE ATTITUDES TOWARD NETHERLANDS-SWEDEN PROPOSAL,

RAISING VARIOUS POINTS WHICH GENERALLY COINCIDED WITH EXPLANATION OFFERED BY VAN DER KLAUW (NETHERLANDS REP). YUGOSLAVIA, ROMANIA, AND NIGERIA EMPHASIZED THAT MEMBERSHIP IN A CONSULTATIVE COMMISSION OR COMMITTEE OF EXPERTS MUST BE EQUITABLE AND NON-DISCRIMINATORY, WITH THE FIRST TWO INDICATING THAT A BODY OPEN TO ALL STATES PARTY SHOULD BE CONSIDERED. MISHRA (INDIAN REP), HOWEVER, STATED THAT THE REAL CHOICE IS BETWEEN AN AD HOC BODY AND A PERMANENT ONE; IF A PERMANENT BODY IS CHOSEN, HE STATED, IT COULD NOT POSSIBLY HAVE AN OPEN-ENDED MEMBERSHIP; THERE WOULD BE FAR TOO MANY PROBLEMS TO BE TAKEN INTO ACCOUNT.

9. NEXT MEETING OF ENMOD WORKING GROUP SCHEDULED FOR FRIDAY, JULY 23. DALE

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